

1. The appeal brief filed on 8/24/2007 is defective for the reasons as listed in the ORDER RETURNING UNDOCKET APPEAL, as mailed on 6/29/2009.

2. In order to be fully response, applicant is required to:

a) Send in an amendment cancelling claims 1 and 4-9 and rewriting claim 3 in independent form; and

b) Submit an Appeal Brief that is consistent with the newly submitted amendment (see Status of Claims; Status of Amendments; and Claims Appendix) sections.

3. To avoid dismissal of the appeal, appellant must submit the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

/Stephen M. Johnson/
Primary Examiner, Art Unit 3641

SMJ
July 13, 2009

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